

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHARONANN GILDEA,

Plaintiff,

-against-

THE COUNTY OF NASSAU, P.O. JASON WRIESKE,
individually and in his official capacity, P.O. LUE
DOBBS, individually and in his official capacity, P.O.
“JOHN DOE” Nos 1-10 individually and in their official
Capacity (the name John Doe being fictitious, as the true
names are presently unknown),

Defendants.
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*Supreme Court of the State of
New York, County of Nassau*

Nassau Supreme Court
Index No.: 603978/2019

***DEFENDANT COUNTY OF NASSAU’S NOTICE AND PETITION IN SUPPORT OF
REMOVAL***

COUNSELORS:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441(a), 1443, and 1446,
as amended, Defendants, COUNTY OF NASSAU, P.O. JASON WRIESKE, P.O. JAMES
DOBBS (s/h/a “P.O. Lue Dobbs”) (hereinafter collectively referred to as the “County
Defendants”), by its attorney, JARED A. KASSCHAU, Nassau County Attorney, by Callan
W. Tauster, Deputy County Attorney, states the following grounds for removal of this action
to the United States District Court for the Eastern District of New York:

1. A civil complaint (the “Complaint”) is pending against the County of
Nassau in the Supreme Court of the State of New York, County of Nassau, entitled
*Sharonann Gildea v. The County of Nassau, P.O. Jason Wrieske, individually and in his
official capacity, P.O. Lue Dobbs, individually and in his official capacity, P.O. “John*

Doe” Nos 1-10 individually and in their official capacity (the name John Doe being fictitious, as the true names are presently unknown), Index No. 603978/2019.

2. On or about March 21, 2019, Plaintiff Sharonann Gildea filed a Summons and Complaint with the Nassau County Clerk, which was personally served upon the County of Nassau (hereinafter referred to as “County”) on March 28, 2019. True and complete copies of the state court Summons and Complaint served upon the County are annexed hereto as **Exhibit “A.”**

3. As per the allegations contained in the Complaint, Plaintiff’s claims arise out of her March 22, 2017 arrest by Defendants Wreiske and Dobbs and subsequent prosecution. The Complaint alleges federal causes of action. Specifically, Plaintiff alleges four (4) separate causes of action under 42 U.S.C. § 1983- false arrest, malicious prosecution, denial of constitutional right to fair trial, and malicious abuse of process (see **Exhibit “A”**).

4. Therefore, this case falls within this Court’s federal question jurisdiction pursuant to 28 U.S.C. §1331, which provides, “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

5. Defendants are entitled to remove this action, pursuant to 28 U.S.C. §1441(a), which provides:

“Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

6. A Notice to Remove must be filed within 30 days of service of a Complaint. As noted above, County Defendants were personally served on or about March 28, 2019. Thus, this Notice is timely because it was filed within the prescribed thirty (30) day period.

7. Written notice of the filing of this Notice of Removal will be promptly given to all parties after filing this Notice.


8. Notice of Removal will be filed with the Clerk of the Supreme Court of the State of New York in and for the County of Nassau promptly after filing of this Notice with this Court.

9. County Defendants have made no previous application for the relief requested herein.

WHEREFORE, the Action now pending in the Supreme Court of the State of New York, County of Nassau, is properly removed to this Court.

Dated: Mineola, New York
April 10, 2019

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